

761—13.20(17A) Additional procedures when the department is not a party.

13.20(1) *Jurisdiction.* When the department is required by statute to administer a controversy to which it is not a party, the following additional procedures shall apply.

13.20(2) *Request.* A person who has an interest in a controversy and who is entitled to an evidentiary (contested case) hearing may submit a written request to the department to resolve the controversy.

a. The request shall state the facts alleged and the relief sought by the requester.

b. The request shall identify by name and address the persons involved and any attorneys representing them. The request shall also specify the requester's telephone number and the mailing address to be used for all communications to the requester from the department.

13.20(3) *Informal settlement.*

a. The department shall contact the persons involved, either by telephone or letter, and shall offer to assist the parties to reach an informal settlement of the controversy.

b. A controversy may be settled informally by the persons involved at any time before the department initiates a contested case proceeding.

c. When a controversy is settled informally, the persons involved shall each notify the department by telephone and confirming letter that the controversy has been resolved.

13.20(4) *Contested case.*

a. When the department is notified by a person involved in the controversy that there has been a failure to reach an informal settlement, or when the department determines that no progress toward a settlement is being made, the department shall send a written notice to the persons involved.

b. The notice shall specify the following: If the department is not notified of a settlement within 20 days after the notice is mailed, the department shall initiate a contested case proceeding.